



J. Melody

The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Middlesex Contractors & Riggers, Inc.

File: B-226741

Date: April 23, 1987

DIGEST

Question of whether work under solicitation instead should be ordered under protester's existing contract is a matter of contract administration not for review by General Accounting Office.

DECISION

Middlesex Contractors & Riggers, Inc., protests the award of any contract under request for quotations (RFQ) No. N62472-87-Q-2134, issued by the Department of the Navy for concrete repairs at Portsmouth Naval Shipyard, Portsmouth, New Hampshire.

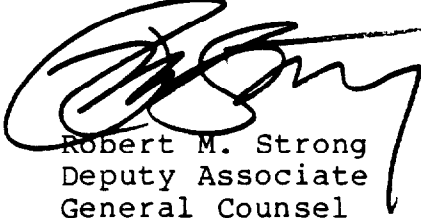
Middlesex contends that the work covered by the RFQ is encompassed by its contract No. N62472-84-C-1982, and that the Navy therefore should order the work from Middlesex. The Navy has solicited quotes on the work instead of allowing Middlesex to perform it because, according to Middlesex, the Navy has determined that the repairs were necessitated by Middlesex's poor workmanship. Middlesex has appealed the agency's determination to the Armed Services Board of Contract Appeals (BCA), maintaining that the concrete repairs were necessitated by a deficient concrete mix design furnished by the Navy, and that the Navy therefore is liable for the defects.

Whether the Navy should order the work in issue from Middlesex depends on the terms of the parties' contract, and therefore is a matter of contract administration. Since administering an existing contract is within the discretion of the contracting agency, we will not review

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such matters. See Bid Protest Regulations, 4 C.F.R. § 21.3(f)(1) (1986). Moreover, it appears to us that the ruling in the dispute already before the BCA likely will resolve the issue.

The protest is dismissed.



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General Counsel